

In the Senate of the United States,

November 17, 2011.

Resolved, That the bill from the House of Representatives (H.R. 3321) entitled “An Act to facilitate the hosting in the United States of the 34th America’s Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “America’s Cup Act of*
3 *2011”.*

4 ***SEC. 2. DEFINITIONS.***

5 *In this Act:*

6 (1) *34TH AMERICA’S CUP.—The term “34th*
7 *America’s Cup”—*

8 *(A) means the sailing competitions, com-*
9 *mencing in 2011, to be held in the United States*

1 *in response to the challenge to the defending*
 2 *team from the United States, in accordance with*
 3 *the terms of the America’s Cup governing Deed*
 4 *of Gift, dated October 24, 1887; and*

5 *(B) if a United States yacht club success-*
 6 *fully defends the America’s Cup, includes addi-*
 7 *tional sailing competitions conducted by Amer-*
 8 *ica’s Cup Race Management during the 1-year*
 9 *period beginning on the last date of such defense.*

10 *(2) AMERICA’S CUP RACE MANAGEMENT.—The*
 11 *term “America’s Cup Race Management” means the*
 12 *entity established to provide for independent, profes-*
 13 *sional, and neutral race management of the America’s*
 14 *Cup sailing competitions.*

15 *(3) ELIGIBILITY CERTIFICATION.—The term*
 16 *“Eligibility Certification” means a certification*
 17 *issued under section 4.*

18 *(4) ELIGIBLE VESSEL.—The term “eligible ves-*
 19 *sel” means a competing vessel or supporting vessel of*
 20 *any registry that—*

21 *(A) is recognized by America’s Cup Race*
 22 *Management as an official competing vessel, or*
 23 *supporting vessel of, the 34th America’s Cup, as*
 24 *evidenced in writing to the Administrator of the*

1 *Maritime Administration of the Department of*
2 *Transportation;*

3 *(B) transports not more than 25 individ-*
4 *uals, in addition to the crew;*

5 *(C) is not a ferry (as defined under section*
6 *2101(10b) of title 46, United States Code);*

7 *(D) does not transport individuals in point-*
8 *to-point service for hire; and*

9 *(E) does not transport merchandise between*
10 *ports in the United States.*

11 *(5) SUPPORTING VESSEL.—The term “sup-*
12 *porting vessel” means a vessel that is operating in*
13 *support of the 34th America’s Cup by—*

14 *(A) positioning a competing vessel on the*
15 *race course;*

16 *(B) transporting equipment and supplies*
17 *utilized for the staging, operations, or broadcast*
18 *of the competition; or*

19 *(C) transporting individuals who—*

20 *(i) have not purchased tickets or di-*
21 *rectly paid for their passage; and*

22 *(ii) who are engaged in the staging,*
23 *operations, or broadcast of the competition,*
24 *race team personnel, members of the media,*
25 *or event sponsors.*

1 **SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.**

2 *Notwithstanding sections 55102, 55103, and 55111 of*
3 *title 46, United States Code, an eligible vessel, operating*
4 *only in preparation for, or in connection with, the 34th*
5 *America's Cup competition, may position competing vessels*
6 *and may transport individuals and equipment and sup-*
7 *plies utilized for the staging, operations, or broadcast of the*
8 *competition from and around the ports in the United*
9 *States.*

10 **SEC. 4. CERTIFICATION.**

11 *(a) REQUIREMENT.—A vessel may not operate under*
12 *section 3 unless the vessel has received an Eligibility Cer-*
13 *tification.*

14 *(b) ISSUANCE.—The Administrator of the Maritime*
15 *Administration of the Department of Transportation is au-*
16 *thorized to issue an Eligibility Certification with respect*
17 *to any vessel that the Administrator determines, in his or*
18 *her sole discretion, meets the requirements set forth in sec-*
19 *tion 2(4).*

20 **SEC. 5. ENFORCEMENT.**

21 *Notwithstanding sections 55102, 55103, and 55111 of*
22 *title 46, United States Code, an Eligibility Certification*
23 *shall be conclusive evidence to the Secretary of the Depart-*
24 *ment of Homeland Security of the qualification of the vessel*
25 *for which it has been issued to participate in the 34th*
26 *America's Cup as a competing vessel or a supporting vessel.*

1 **SEC. 6. PENALTY.**

2 *Any vessel participating in the 34th America's Cup*
 3 *as a competing vessel or supporting vessel that has not re-*
 4 *ceived an Eligibility Certification or is not in compliance*
 5 *with section 12112 of title 46, United States Code, shall*
 6 *be subject to the applicable penalties provided in chapters*
 7 *121 and 551 of title 46, United States Code.*

8 **SEC. 7. WAIVERS.**

9 *(a) IN GENERAL.—Notwithstanding sections 12112*
 10 *and 12132 and chapter 551 of title 46, United States Code,*
 11 *the Secretary of the department in which the Coast Guard*
 12 *is operating may issue a certificate of documentation with*
 13 *a coastwise endorsement for each of the following vessels:*

14 *(1) M/V GEYSIR (United States official number*
 15 *622178).*

16 *(2) OCEAN VERITAS (IMO number 7366805).*

17 *(3) LUNA (United States official number*
 18 *280133).*

19 *(b) DOCUMENTATION OF LNG TANKERS.—*

20 *(1) IN GENERAL.—Notwithstanding sections*
 21 *12112 and 12132 and chapter 551 of title 46, United*
 22 *States Code, the Secretary of the department in which*
 23 *the Coast Guard is operating may issue a certificate*
 24 *of documentation with a coastwise endorsement for*
 25 *each of the following vessels:*

1 (A) *LNG GEMINI* (United States official
2 number 595752).

3 (B) *LNG LEO* (United States official num-
4 ber 595753).

5 (C) *LNG VIRGO* (United States official
6 number 595755).

7 (2) *LIMITATION ON OPERATION.*—Coastwise
8 trade authorized under paragraph (1) shall be limited
9 to carriage of natural gas, as that term is defined in
10 section 3(13) of the Deepwater Port Act of 1974 (33
11 U.S.C. 1502(13)).

12 (3) *TERMINATION OF EFFECTIVENESS OF EN-*
13 *DORSEMENTS.*—The coastwise endorsement issued
14 under paragraph (1) for a vessel shall expire on the
15 date of the sale of the vessel by the owner of the vessel
16 on the date of enactment of this Act to a person who
17 is not related by ownership or control to such owner.

18 (c) *OPERATION OF A DRY DOCK.*—A vessel transported
19 in Dry Dock #2 (State of Alaska registration AIDEA
20 FDD-2) is not merchandise for purposes of section 55102
21 of title 46, United States Code, if, during such transpor-

- 1 *tation, Dry Dock #2 remains connected by a utility or*
- 2 *other connecting line to pierside moorage.*

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 3321

AMENDMENT